

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
RICHARD MARCUS, : No. 10-cv-01716 (ADS)(AKT)
:
Plaintiff, : **DEFENDANT OLGA**
v. : **DUFOUR'S**
OLGA DUFOUR, LAWRENCE HAAKER, DAVID : **NOTICE OF MOTION FOR**
HAAKER, SUZANNE PERLOTH, and LISA : **JUDGMENT ON THE**
GOLDBERG, : **PLEADINGS**
:
Defendants. : **OR, IN THE ALTERNATIVE,**
: **TO DISMISS CROSS-CLAIM**
:
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Olga Dufour's Motion for Judgment on the Pleadings or, in the Alternative, to Dismiss the Haaker Defendants' Cross-Claim, the accompanying Request for Judicial Notice and the exhibits attached thereto, the accompanying Declaration of Joanne Sum-Ping and the exhibits attached thereto, and all prior pleadings and proceedings herein, Defendant Olga Dufour, by and through her undersigned attorneys, will move this Court, before the Honorable Arthur D. Spatt, United States District Judge, at the United States Courthouse, 100 Federal Plaza, Central Islip, New York 11722, on such date as the Court will determine, for an Order, pursuant to Federal Rule of Civil Procedure 12(c), granting Ms. Dufour judgment on the pleadings with respect to the Complaint for Interpleader filed by Plaintiff Richard Marcus and awarding to Ms. Dufour all of the interpled funds or, in the alternative, half of the interpled funds, or in the alternative, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing the cross-claim of Defendants Lawrence Haaker, David Haaker, Suzanne Perloth, and

Lisa Goldberg with prejudice, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 16, 2011

COVINGTON & BURLING LLP

By: /s/ Joanne Sum-Ping
Joanne Sum-Ping

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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: Plaintiff,
: v. : No. 10-cv-01716 (ADS)(AKT)
OLGA DUFOUR, LAWRENCE HAAKER, DAVID :
HAAKER, SUZANNE PERLOTH, and LISA :
GOLDBERG, :
: Defendants.
-----x

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF on this 16th day of March, 2011. I also certify that the foregoing document is being served this day on all counsel of record registered to receive electronic Notices of Electronic Filing generated by CM/ECF.

By: /s/ Joanne Sum-Ping _____
Joanne Sum-Ping

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